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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,760	02/26/2001	Motoki Kato	275724US6PCT	6325

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EXAMINER	
HSU, ALPUS	

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/763,760	KATO, MOTOKI	
	Examiner	Art Unit	
	Alpus H. Hsu	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *7/18/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over PEARLSTEIN in U.S. Patent No. 5,691,986 (of record) in view of HIROSHIMA et al. in U.S. Patent No. 5,801,781 (of record).

Regarding claims 1, 6 and 11, PEARLSTEIN discloses a transcoder (200), a transcoding method, and a medium having recorded therein a transcoding program for generating, from a first multiplexed stream, a second multiplexed stream, comprising: means for separating (201) a first elementary stream from the first multiplexed stream supplied; means for converting (205 & 206) the first elementary stream separated by the separating means by a predetermined method to a signal; means for packetizing (207) the signal converted by the converting means to generate a first packet, means for storing (212) a second elementary stream and generating a second packet containing the second elementary stream with delay; and means for multiplexing (214) first packet generated by the packetizing means and a second packet containing the second elementary stream with delay to generate the second multiplexed stream.

PEARLSTEIN differs from the claims, in that, it does not disclose the feature of having means for storing timing information received from the means for separating and indicating a time at which a packet, containing a second elementary stream forming the first multiplexed stream, appears in the first multiplexed stream in order to multiplex the first packet generated by the packetizing means and a second packet containing the second elementary stream to generate

the second multiplexed stream based on the timing information stored in the storing means, which is well known technique and commonly used in MPEG signal processing field for data synchronization purpose.

HIROSHIMA et al., for example, from the similar field of endeavor, teaches the use of timing information storing means (36) to be used for multiplexing a plurality of packet streams to generate a multiplexed transport stream (col. 2, lines 51-58, col. 11, line 61 to col. 12, line 22), which can be easily adopted by one of ordinary skill in the art to implement into the system of PEARLSTEIN, to provide data synchronization to further improve the system reliability and efficiency.

Regarding claims 2, 7, and 12, PEARLSTEIN discloses the converting means includes means for decoding the first elementary stream separated by the separating means to generate an original signal corresponding to the first elementary stream, and means for encoding the original signal generated by the decoding means at a predetermined bit rate (col. 5, lines 11-16).

Regarding claims 3, 8, and 13, PEARLSTEIN discloses the converting means converts, by a predetermined method, codes forming the first elementary stream separated by the separating means (col. 5, lines 11-16).

Regarding claims 4, 9, and 14, PEARLSTEIN discloses the multiplexing means multiplexes, based on the timing information stored in the storing means, the second packet to the second multiplexed stream at a time corresponding to the time at which the second packet appears in the first multiplexed stream (col. 5, lines 32-42).

Regarding claims 5, 10, and 15, PEARLSTEIN discloses the first elementary stream is a video stream (col. 4, lines 51-54).

Regarding claims 16-18, PEARLSTEIN discloses a transcoder (200), a transcoding method, and a medium having recorded therein a transcoding program for generating a second multiplexed stream from a first multiplexed stream, comprising: means for receiving (201) the first multiplexed stream and for obtaining therefrom a first elementary stream and a second elementary stream, in which the first elementary stream conforms to a MPEG (Moving Pictures coding Experts Group) 2 standard and the second elementary stream does not conform to the MPEG 2 standard; means for converting (205 & 206) the first elementary stream separated by the separating means by a predetermined method to a signal; means for packetizing (207) the signal converted by the converting means to generate a first packet, means for storing (212) a second elementary stream and generating a second packet containing the second elementary stream with delay; and means for multiplexing (214) first packet generated by the packetizing means and a second packet containing the second elementary stream with delay to generate the second multiplexed stream.

PEARLSTEIN differs from the claims, in that, it does not disclose the feature of having means for storing timing information received from the first multiplexed stream indicating a time at which a packet, containing a second elementary stream forming the first multiplexed stream, appears in the first multiplexed stream in order to multiplex the first packet generated by the packetizing means and a second packet containing the second elementary stream to generate the second multiplexed stream based on the timing information stored in the storing means, which is

well known technique and commonly used in MPEG signal processing field for data synchronization purpose.

HIROSHIMA et al., for example, from the similar field of endeavor, teaches the use of timing information storing means (36) to be used for multiplexing a plurality of packet streams to generate a multiplexed transport stream (col. 2, lines 51-58, col. 11, line 61 to col. 12, line 22), which can be easily adopted by one of ordinary skill in the art to implement into the system of PEARLSTEIN, to provide data synchronization to further improve the system reliability and efficiency.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Woodhead et al., and Nakase et al. are additionally cited to show the common feature of data demultiplexing scheme providing timing adjustment for multiplexing transport streams conforming to MPEG2 similar to the claimed invention.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHH

Alpus H. Hsu
Primary Examiner
Art Unit 2665